

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CORCEPT THERAPEUTICS, INC.,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

**Civil Action Nos. 18-3632 (RMB) LDW)
(consolidated); 23-01505 (RMB)(LDW)**

Filed Electronically

STIPULATION REGARDING VALIDITY AND CONSOLIDATION

WHEREAS, on March 15, 2018, Plaintiff Corcept Therapeutics, Inc. (“Corcept”) filed a complaint in *Corcept Therapeutics, Inc. v. Teva Pharmaceuticals USA, Inc.*, C.A. No. 18-3632 (D.N.J.) alleging that Defendant Teva Pharmaceuticals USA, Inc. (“Teva”) infringed U.S. Patent No. 8,921,348 (“the ’348 patent”) and U.S. Patent No. 9,829,495 (“the ’495 patent”) by filing Abbreviated New Drug Application (“ANDA”) No. 211436 seeking approval to engage in the commercial manufacture, use, sale, importation, or offer for sale of generic 300 mg mifepristone tablets;

WHEREAS, on July 6, 2018, Corcept amended its complaint to include allegations of infringement of U.S. Patent No. 9,943,526 (“the ’526 patent”);

WHEREAS, on February 8, 2019, Corcept filed a complaint in *Corcept Therapeutics, Inc. v. Teva Pharmaceuticals USA, Inc.*, C.A. No. 19-5066 (D.N.J.) alleging that Teva’s filing of ANDA No. 211436 infringed U.S. Patent No. 10,166,242 (“the ’242 patent”), U.S. Patent No. 10,166,243 (“the ’243 patent”), and U.S. Patent No. 10,195,214 (“the ’214 patent”);

WHEREAS, on February 21, 2019, C.A. Nos. 18-3632 and 19-5066 were consolidated for all purposes, and C.A. No. 19-5066 was administratively terminated;

WHEREAS, on December 13, 2019, Corcept filed a complaint in *Corcept Therapeutics, Inc. v. Teva Pharmaceuticals USA, Inc.*, C.A. No. 19-21384 (D.N.J.) alleging that Teva's filing of ANDA No. 211436 infringed U.S. Patent No. 10,500,216 ("the '216 patent");

WHEREAS, on March 27, 2020, C.A. Nos. 18-3632 and 19-21384 were consolidated for all purposes, and C.A. No. 19-21384 was administratively terminated;

WHEREAS, Corcept is no longer asserting infringement of the '348, '495, '526, '242, and '243 patents in C.A. No. 18-3632, and therefore the only remaining patents in that consolidated action are the '214 and '216 patents;

WHEREAS, on March 17, 2023, Corcept filed a complaint in C.A. No. 23-1505 alleging that Teva's filing of ANDA No. 211436 infringed U.S. Patent No. 10,842,800 ("the '800 patent") and U.S. Patent No. 10,842,801 ("the '801 patent");

WHEREAS, there is a need to conserve judicial economy and reduce the costs and burdens of litigation on the Court and the parties, including the need to avoid delaying resolution of 18-3632 or avoid conducting two trials;

NOW THEREFORE, Corcept and Teva, by and through their undersigned counsel in this matter, and subject to the Court's approval, stipulate and agree as follows:

1. C.A. Nos. 18-3632 and 23-1505 (the "Consolidated Actions") are consolidated for all purposes;
2. All filings going forward shall be filed in C.A. No. 18-3632, and C.A. No. 23-1505 shall be administratively terminated by the Clerk's office;
3. Any judgment, order, or decision in the Consolidated Actions regarding the validity of the '216 patent shall apply with equal and binding force to the '801 patent;

4. Any judgment, order, or decision in an appeal of the final judgment of the validity of the '216 patent in the Consolidated Actions shall apply with equal and binding force to the '801 patent; and

5. The Consolidated Actions shall proceed on the following schedule:

Date	Event
May 12, 2023	Corcept to submit amended/supplemental Opening expert reports on infringement of the '800 and '801 patents
June 12, 2023	Teva to submit amended/supplemental Rebuttal expert reports on noninfringement of the '800 and '801 patents
July 14, 2023	Expert discovery deadline
August 25, 2023	Final Pretrial Order to be submitted to Court <u>on August 24, 2023 at noon</u> **
After August 25, 2023 [subject to Court and counsel availability]	Final Pretrial Conference with Magistrate Judge Wettre <u>in person on August 29, 2023 at 11:00 a.m. in Newark-Courtroom 3C</u>
September 6, 2023	Each party shall submit its pre- trial brief (limited to 30 pages (12-point font, double-spaced) per side) The parties agree not to file proposed findings of fact and conclusions of law unless otherwise specifically ordered by the Court. Parties file opening Daubert Briefs (limited to 1 motion; 10 pages) and opening motions <i>in limine</i> (limited to 3 motions; 5 pages (12-point font, double-spaced) per motion)
September 13, 2023	Parties file rebuttals to any Daubert Briefs (limited to 10 pages) and motions <i>in limine</i> (limited to 5 pages (12-point font, double-spaced) per motion) The parties agree not to file responses to pre- trial briefs or proposed findings of fact and conclusions of law unless otherwise specifically ordered by the Court.
September 20, 2023	Each party shall submit a list of pre-marked exhibits and a witness list, including the name and address (city and state only) of each potential witness

** If the Final Pretrial Order exceeds 100 pages in length, a hard copy must be delivered to Chambers by August 24, 2023 at noon.

Date	Event
	All trial exhibits must be pre-marked in accordance with each party's exhibit list. The parties shall not send courtesy copies of trial exhibits unless the Court requests them. Counsel shall retain custody of their trial exhibits until closings.
September 27	4-5 day trial before the Honorable Renée Marie Bumb [subject to Court availability]

Dated: May 10, 2023

s/ William C. Baton

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*Attorneys for Defendants
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SO ORDERED: May 15, 2023



Hon. Leda D. Wettre, U.S.M.J.